IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO: 23558 of 2004

Between:

1 N.Lakshminarayana, S/o.N.Uttanna,
Sri Jagannadah Swamy Temples, Lalapet, Guntur Town

& District.
2 P.Pullam Raju, S/o.Satyanarayana Raju,
Sri Shalabalaji Devastanam, Appanapalli, East Godavari

District.
3 M.Munisekhara Rao, S/o.S.Punnaiah,
Endowments Department, Kurnool District.
4 P.Satyanarayana, S/o.P.Chinakondaiah,
Sri Narasimha Swamy Devastanam, Urukunda Village,

Urukunda village, Kowthalam Mandal, Kurnool District.

.... PETITIONERS

AND

1 The Commissioner, Endowments Dept., Boggulakunta,

Tilak Road, Hyderabad.
2 The Govt. of Andhra Pradesh, Special Chief Principal

Secretary, Dept., of Endowments (Revenue), Secretariat,

Hyderabad.
3 N.Venkateswara Rao, Executive officer Grade-I, Sri

Ksheera Rama Lingeswara Swamy Temple, Palakollu,

West Godavari District.
4 M.V.S.Suryanarayana Raju, Executive officer,

Gr.I.Pasalapudi Group Temple,
Palakole, West Godavari District.
5 M.Sanjeeva Reddy, Assistant Commissioner

(Endowments),Kadapa.
6 R.Babul Nath, Deputy Commissioner, office of the

Commissioner, Endowments Department, Hyderabad

(Since Retd. not a necessary party for this W.P).
7 L.Madhava Setty, Assistant Commissioner of

Endowments,Guntur.
8 J.K.V.M.Adinarayana Murthy, Executive officer Grade-I, Sri

Balatriputa Sundari Sametha Ramalingeswara Swamy

Temple, Kakinada, East Godavari District.
9 V.Ankineedu prasad Rao, Assistant Commissioner /

Executive officer, Sree Malleswara Swamy Temple,

Pedakakani Village & Mandal, Guntur (Since Retd. Not
a necessary party for this W.P.)
10 G.Lakshmana, working as Deputy Commissioner of

Endowments Department, on Leave 8-2-1/6C, Punjagutta,

Hyderabad (Since Retd.not necessary party for
this W.P.).
11 N.V.G.Krishna Murthy, Assistant Commissioner,

Endowments Department, Medak, Medak District.
12 R.Babu Rao, Assistant Commissioner Cum Executive

officer, C.V.Reddy Charities, Vijayawada, Krishna District.
13 G.C.Yogeswara Reddy, Executive officer Grade-I, Group

Temples, Alladipalle, Kadapa District.
14 S.Prasada Reddy, Executive officer Grade-III, Choppela

Group Temples, East Godavari District.
15 P.Srisailam, Executive officer Grade-III, Vellaturu,

Battiprolu Mandal, Guntur District.
16 G.Venu Manohara Gandhi, Executive officer Grade-III,

Mallikapuram Village & Mandal, East Godavari District,

(Since Retd. Not a necessary party for this W.P.)
17 M.Narasimha Reddy, Executive officer, Grade-II,

Nallapadu Group Temples, Guntur District.

18 A.Manohara Chari, Assistant Commissioner & Executive

officer, Sri Venkateswara Swamy Temples, Chikkadpally,

Hyderabad.
19 V.G.Rama Rao, Executive officer, Sri Vasatha

Mallikarjuna Swamy Temple, Vijayawada, Krishna

District.
20 N.Koteswara Rao, Executive officer, Venkateswara

Swamy Temple, Batchupet, Machilipatnam, Krishna

District.
21 M.Venkateswara Rao, Executive officer, Sri Venugopala

Swamy Temple, Machilipatnam, Krishna District.
22 R.Poli Reddy, Executive officer,
Sri CRS Choultry, Vijayawada, Krishna District.
23 T.Koti Reddy, Executive officer, Sri Venugopala Swamy

Temple, Thotla Valluru, Krishna District.
24 B.Dharma Reddy, Executive officer, G.Seetharamaiah

Anna Sathram Trust, Vijayawada, Krishna District.
25 K.Ram Sagar, Executive officer & Assistant Commissioner

of Endowments, Sri M.S.N.Charities, Kakinada, East

Godavari District.
26 C.H.Babu Rao, Assistant Commissioner Cum Jewellery

Verification officer, Endowments Department, Kakinada,

East Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order, or direction, mostly one which is in the nature of a writ of certiorari calling for the records in and relating to the order dated 21-07-2003 in O.A.No.5771/2002 and batch of the A.P. Administrative Tribunal, Hyderabad and quash the same holding that the seniority list issued by the commissioner of Endowments in proceedings Rc.No.G3/15634/ 2002, dated 28-05-2002 is perfectly valid, proper and well justified.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondents: GP FOR SERVICES-II

The Court made the following:

ORAL ORDER: - (PER GB, J.)

The Writ Petition is filed assailing the order, dated 21.07.2003 passed by the A.P. Administrative Tribunal in O.A.No.5771 of 2002 and batch.

2. The matter relates to finalization of seniority list in the category of Executive Officers Grade-I and consequential review of promotions in Assistant Commissioners and thereon. The Tribunal on a batch of O.As. filed by the employees of the Endowment Department, disposed of the O.As. with the following directions:

> "1. With regard to those Executive Officers who were recruited by direct recruitment between 1970 to 1972, their probation is deemed to have been completed after the expiry of the stipulated period of two years in a continuous period of three years under Rule 18(h)(ii) of General Rules (deemed provision) if there are no orders as to the extension of probation either by the appointing authority or by the Government under the deemed provision of the A.P. State and Subordinate Service Rules. If in any case, such an order of extension has been passed by the competent authority, it has to be dealt with as per rules.
>
> II. The date of passing the test should not be the criterion for fixing the seniority and date of appointment for the purpose of seniority has to be taken into consideration in respect of those whose probation is deemed to have been completed.
>
> III. Those persons who have passed the Accounts Test for the Executive Officers under the old Rules of 1953 and not required to pass the Accounts test for Subordinate Officers under the new rules of 1978 and promotion to the next higher grade should be made notionally. If necessary, by taking into consideration the eligibility and suitability for the post without subjecting them to pass the test as already mentioned above.
>
> IV. Promotions to various Executive Officers should be made keeping in view the cadre strength as fixed in G.O.Ms.No.307 dated 26.03.1996 as per rules and for E.O, Gr.I, by selection as provided in the rules. In respect of the Assistant Commissioners, the seniority list should be prepared duly

implementing the ratio of 3:3:1 in respect of Superintendents of Endowments, Department, Executive Officers and Temple employees as laid down in Rule 3 of the A.P. Charitable and Hindu Religious Institutions and Endowments Service Rules issued in G.O.Ms.No.245 Revenue (Endowments-I) Department dated 08-05-2002.

V. After preparing the seniority list as mentioned above, it should be circulated to all the concerned inviting objections and after examining all the objections thereto, final seniority list should be prepared.

VI. Till such time, as the final seniority list is issued, promotions already made to various grades and/or higher posts should not be disturbed".

3. Aggrieved by the said order, the present Writ Petition has been filed after taking leave of the Court. It is the contention of the counsel for the petitioner that they are not parties before the Tribunal and therefore, they were denied the opportunity to object the relief as claimed by the applicants before the Tribunal. Further the learned Counsel would also submit that as the seniority list has become final, no useful purpose would be served to unsettled the settled seniority and therefore, the order is liable to be set aside. He also submits that the petitioners were already promoted as Assistant Commissioners on ad hoc basis and are presently working in the same cadre.

4. We have heard the learned counsel for the parties.

5. We are afraid we cannot accept the contention raised by the learned counsel for the petitioner.

6. Inasmuch as no prejudice is caused to the petitioner, the Tribunal has clearly issued directions to issue notice to all the employees concerned and finalize the seniority list in the category of Executive Officer Grade-I. In such a situation, no prejudice can be said to be caused to the petitioners in any manner. Moreover, it was also directed that till such time final seniority list is prepared in the cadre of Executive Officer the promotions already made to the higher posts shall not be

disturbed. Under those circumstances, we do not find any illegality in the order of the Tribunal.

7. Accordingly, the Writ Petition is dismissed. No costs.

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G.BIKSHAPATHY, J.

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B.SESHASAYANA REDDY, J.

Date: 25.01.2005

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To

1 The Commissioner, Endowments Dept., Boggulakunta,

Tilak Road, Hyderabad.

2 The Govt. of Andhra Pradesh, Special Chief Principal

Secretary, Dept., of Endowments (Revenue), Secretariat,

Hyderabad.

3 2CCs to G.P. for Services-II, High Court Buildings,

Hyderabad. (OUT)

4 The Registrar, A.P.Administrative Tribunal, Hyderabad.

5 2CD copies.